

wd 34... 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 22, 2000

Patrick D. Brown
109 South Adams St
Jerome, ID 83338

Re: Measurement Procedures for Custer Springs, LLC.

Dear Mr. Brown,

I have reviewed your letter of June 14, 2000 regarding the above referenced matter and the Department's order for measuring devices for diversions from Warm Springs Creek located above Mackay Reservoir.

Your client, Custer Springs LLC, re-diverts water from the Upper Fish Hatchery Canal using pumps that were referred to as the Unger pumps in my letter to Mr. Rosenkrance dated May 10, 2000. These pumps are not subject to the Department's recent measurement order since they are re-diversions off of a canal. The Upper Fish Hatchery Canal has a sufficient measuring device and headgate at the head of the canal. No additional measuring device or equipment is needed on the canal to comply with the order.

My letter of May 10, 2000 addresses measurement procedures for a seepage study that Mr. Rosenkrance is conducting on the canal this year. Mr. Rosenkrance was contracted by the users on the canal to conduct this study, including Custer Springs' predecessors. Mr. Rosenkrance is not conducting the study in his capacity as the Water District 34 watermaster. As you may know, the users initiated the study in order to resolve protests of certain water right transfer applications. The Department agreed to the study pursuant to a settlement stipulation. The Department is not requiring Custer Springs to install any additional equipment or measuring devices related to this study. It is possible however that Mr. Rosenkrance may request that additional equipment be installed to complete the study. Although I do not anticipate that Mr. Rosenkrance will request additional equipment, I believe the Department would support any request he might make if it furthers completion of the study and resolution of the protests.

Sincerely,

A handwritten signature in cursive script that reads 'Tim Luke'.

Tim Luke
Water Allocations

Cc: Doug Rosenkrance